

APPEAL NO. 041155
FILED JUNE 22, 2004

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on April 22, 2004. The hearing officer decided that the appellant (claimant) did not sustain a compensable injury on _____, and did not have disability. The claimant appeals these determinations on sufficiency of the evidence grounds. The respondent (carrier) asserts that the claimant's brief is not sufficient to constitute an appeal and, in the alternative, urges affirmance.

DECISION

Affirmed.

As indicated above, the carrier asserts that the claimant's brief is not sufficient to constitute an appeal in this case because it fails to identify the specific conclusions of law in dispute. We have said that no particular form of appeal is required and an appeal, even though terse or inartfully worded, will be considered. Texas Workers' Compensation Commission Appeal No. 91131, decided February 12, 1992; Texas Workers' Compensation Commission Appeal No. 93040, decided March 1, 1993. Generally, an appeal which lacks specificity will be treated as a challenge to the sufficiency of the evidence. Texas Workers' Compensation Commission Appeal No. 92081, decided April 14, 1992. In his appeal, the claimant clearly disputes the hearing officer's determinations with regard to the issues of compensability and disability. Accordingly, we consider the claimant's appeal as a challenge to the sufficiency of the evidence.

In his appeal, the claimant asks the Appeals Panel to consider a letter from his supervisor, dated December 12, 2003, in support of his position. We note that this document was offered at the hearing as Claimant's Exhibit No. 9. The hearing officer excluded the exhibit on the basis that it was not timely exchanged. Upon review of the record, we cannot conclude that the hearing officer abused her discretion in excluding the document. Morrow v. H.E.B., Inc., 714 S.W.2d 297 (Tex. 1986). Accordingly, we will not consider the document on appeal.

The hearing officer did not err in determining that the claimant did not sustain a compensable injury on _____, and did not have disability. These determinations involved questions of fact for the hearing officer to resolve. The hearing officer is the sole judge of the weight and credibility of the evidence (Section 410.165(a)) and, as the trier of fact, resolves the conflicts and inconsistencies in the evidence, including the medical evidence (Texas Employers Insurance Association v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ)). In view of the evidence presented, we cannot conclude that the hearing officer's determinations are so

against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

The decision and order of the hearing officer is affirmed.

The true corporate name of the insurance carrier is **AMERICAN ZURICH INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**LEO F. MALO
12222 MERIT DRIVE, SUITE 700
DALLAS, TEXAS 75251.**

Edward Vilano
Appeals Judge

CONCUR:

Judy L. S. Barnes
Appeals Judge

Chris Cowan
Appeals Judge